

## **Licensing and Appeals Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 29 July 2024**

**Present:** Councillor Grimshaw (Chair) – in the Chair

**Councillors:** Bano and Judge

#### **LACHP/24/74. Exclusion of the Public**

A recommendation was made that the public be excluded during consideration of the following items of business.

#### **Decision**

To exclude the public during consideration of the following items which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighed the public interest in disclosing the information.

#### **LACHP/24/75. Review of a Private Hire Driver Licence - AM**

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The oral representations of all of the parties who attended were also considered, in conjunction with the relevant guidance. The matter was considered in line with the established procedure for taxi licensing hearings.

The Licensing Unit officer noted that this was a review of a Private Hire Driver Licence and that a renewal was submitted in January 2024. AM had stated “yes” to a pending matter but no details were provided. After checks were made, the unit discovered that the matter was for driving without due care and attention, incurring a fine of £220 and 4 penalty points. The unit contacted AM who provided details of the court date in May 2024, which was then adjourned to July 2024. This conviction stands as per the decision handed down in August 2023.

AM addressed the Hearing Panel and stated that they found the application process complex and they never meant to keep details from the unit. AM confirmed that they had been due to have a hearing with the Sub-Committee Hearing Panel in May but this was deferred as the court hearing was postponed. At the court hearing the judge had said that the matter would be expiring soon and that the penalty points would elapse after 3 years. AM stated that they paid a larger fine of £390. AM stated that they had never been to court before and had accepted the advice given there.

In response to questions from the Licensing Unit Officer, AM stated that a police car had flashed him and when pulled over, AM had apologised, just as a good manner, not specifically because they felt at fault in any way. The police officer stated that AM would have to go to court but AM considered they had done nothing wrong. AM

stated that they had gone to court and accepted the decision as it would expire in June 2025. AM confirmed there were no other cars involved, that they had renewed the licence in January and found out about the conviction afterwards.

In summing up the Licensing Unit Officer stated that this conviction was within the policy as a major traffic offence.

In summing up, AM stated that the matter would expire in June 2025 and that taxi work was important to look after the family and that their spouse had passed away recently.

In reaching its decision, the Panel took into consideration the Council's Statement of Policy and Guidelines and statutory Taxi and Private Hire Vehicle Standards. The panel accepted that AM had no previous convictions or any since this incident and had declared that there was a pending matter without providing details and determined that a warning should be attached as to remind AM of informing the unit of proper notification of any future matters.

### **Decision**

To attach a warning to AM's licence as to future conduct.

### **LACHP/24/76. Application for a New Private Hire Driver Licence - TTD**

The Licensing Unit officer informed the Hearing Panel that TTD was currently out of the country and unable to attend the hearing.

As this was an application for a licence and not a review, the Hearing Panel were satisfied to defer the hearing to the next suitable date for the applicant.

### **Decision**

To defer TTD's hearing to the next suitable date.

### **LACHP/24/77. Renewal of a Private Hire Driver Licence - MB**

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. MB was assisted at the hearing by an interpreter appointed by the city council. The oral representations of all of the parties who attended were also considered, in conjunction with the relevant guidance. The matter was considered in line with the established procedure for taxi licensing hearings.

The Licensing Unit Officer confirmed that this was a renewal of a Private Hire Driver Licence. MB had emailed the unit in March 2024 to state they had received 5 penalty points. After this, the unit were notified from CBS that there had been a change in MB's DBS status due to a motoring offence. MB's licence expired in May 2024 and the latest DBS was received in June 2024 noting a CD10 offence of driving without

due care and attention. This renewal application had been referred to the Sub-Committee Hearing Panel in early July and MB stated then that they would require an interpreter, hence the hearing had been deferred to today's date.

MB addressed the Hearing Panel and stated that they had been told to be careful but received 5 penalty points and a fine. The issue was that MB had parked, reversed and gently hit a property while the owner was not there. MB stated that they meant to return later to discuss this but expressed that there was no visible damage to their car or the property wall. In the meantime, the matter had been reported to the police and MB had responded and had to stay overnight at the police station. The matter was referred to court and MB stated that they were told to accept the penalty but they were not represented at court.

In response to questions from the Licensing Unit Officer, MB stated that the incident occurred on a Saturday and that they had stayed at the police station that same night, that the matter had been referred to the police very quickly and that they would report any future incidents to the police, Licensing Unit and insurers themselves.

In response to questions from the Hearing Panel, MB stated that they had waited at the property for an hour but had a customer in the vehicle and meant to return, that the incident occurred at 13:00, that they learnt a lesson and would leave a contact telephone number in future, MB was informed that the legal representative could not cover the court hearing, that a duty solicitor had assisted MB at the police station and that it was this solicitor who had not attended the first hearing which was then adjourned because of their absence and then they could not attend for the second hearing and MB was told to represent themselves.

In response to questions from the Legal Officer for the Hearing Panel, MB stated that they were only travelling at 3 mph when the wall was struck and that there was no visible damage, no duty solicitor was available due to the late hour of MB's arrival to the police station, hence the overnight stay and that MB had an interpreter at the police station also.

The Hearing Panel considered that MB had no convictions previous or since and that they had an otherwise clean record and determined that a warning should be attached to remind MB to take ownership of any incidents caused by them in future.

### **Decision**

To attach a warning to MB's licence as to future conduct.

### **LACHP/24/78. Review of a Hackney Carriage Driver Licence - ZH**

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The oral representations of all of the parties who attended were also considered, in conjunction with the relevant guidance. The matter was considered in line with the established procedure for taxi licensing hearings. ZH attended the hearing with his brother-in-law, trade representative and legal representative.

The Licensing Unit officer informed the Hearing Panel that this was a review of a Hackney Carriage Driver Licence. ZH had been convicted of an IN10 offence, being uninsured against third party risks and had disclosed the matter on their renewal in April 2024.

ZH's legal representative addressed the Hearing Panel and noted that Guidelines indicated that a major traffic offence could be considered for a refusal and referred to the quotation which stated that any Hearing Panel "may restore or refuse" and "will normally but not always refuse" an application or review. ZH's legal representative invited the Hearing Panel to consider whether ZH remained a fit and proper person, or a "safe and suitable person," as per the McCool case law. ZH's legal representative handed out a bundle containing extra information and questioned ZH about the incident which led to ZH giving the responses as follows:

- Taxi driver since 2008
- No other convictions or complaints
- ZH's vehicle had broken down (referred to in bundle) on Saturday 28 October 2023 and gone to the garage for repairs
- This would normally take 2 weeks to repair
- ZH did not drive any vehicle on 29 October 2023
- ZH was stopped by the police on 30 October 2023 driving his brother-in-law's vehicle
- This was while driving for a taxi job at the airport
- ZH had arranged with his brother-in-law to use their vehicle and that insurance would be arranged by Monday 30 October 2023 for ZH to use
- ZH's brother-in-law was in Pakistan seeing to his sick mother at this time
- ZH had not called to check beforehand that the car was insured for them to drive and added that their spouse had been taken ill recently which may have affected his concentration on this matter
- ZH thought the police would inform the Licensing Unit, therefore he had not reported the incident at the time
- ZH had reported it on the renewal in June 2024 as the documentation asked this of him

In response to questions to the Licensing Unit Officer and Hearing Panel, ZH stated that they were now aware to inform the correct authorities of any convictions without delay and that they were not offered a replacement vehicle as the issue was a breakdown and not an accident.

ZH's legal representative put questions to ZH's brother-in-law who gave the following responses:

- I meant to have the vehicle insured ready for Monday 30 October 2023 but had to take my sick mother to hospital in Pakistan and forgot
- I was there to look after her for 4 weeks but then extended my stay due to her ongoing condition for another 4 weeks

In response to questions from the Hearing Panel, ZH and their legal representative stated that ZH had put in a guilty plea and that the time difference coupled with the hospital visit complicated the matter and that both ZH and their brother-in-law were

both certain of how to deal with the matter in future. ZH had an initial 2 hour wait at the airport and had not taken on any work. ZH knows now that they put themselves in a difficult situation but this was an isolated incident.

ZH's legal representative concluded their opening statement by referring to the McCool case law, noting that a driver should be safe, sober, mentally and physically fit and not assault passengers and asked how ZH could be considered as not safe under the circumstances of this case. ZH's legal representative expressed that there was no evidence on the balance of probabilities. It was noted that the hearing today and the expenses of legal representation could be enough of a warning to ZH and that the Hearing Panel could mark a warning on ZH's record. In closing, ZH's legal representative requested that the Hearing Panel step away from the guidelines in this instance.

In summing up, ZH's legal representative stated that he would entrust ZH to drive his loved ones.

The Hearing Panel considered that ZH and their brother-in-law's cases were open and honest and that the legal representative had done a sufficient job of garnering information from them for the Hearing Panel to be able to make a decision. The Hearing Panel determined that this was an isolated incident, that ZH was a fit and proper person to drive a licensed vehicle and were satisfied that they could attach a warning to ZH's licence.

### **Decision**

To attach a warning to ZH's licence as to future conduct.

### **LACHP/24/79. Application for a New Private Hire Driver Licence - RA**

The Licensing Unit officer informed the Hearing Panel that RA had not arrived for their hearing.

### **Decision**

To defer RA's hearing to the next suitable date.

### **LACHP/24/80. Application for a New Private Hire Driver Licence - JM**

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The oral representations of all of the parties who attended were also considered, in conjunction with the relevant guidance. The matter was considered in line with the established procedure for taxi licensing hearings.

The Licensing Unit officer stated that JM had submitted their application in April 2024, stating that they had their Wolverhampton licence revoked in January 2023 and a licence application with Salford City Council refused in November 2023. The unit approached both licensing units and it transpired that JM had failed to stop at a road

traffic accident and had given false details, claiming another person was driving the vehicle at the time. There were also three speeding convictions that were now outside the guidelines.

JM addressed the Hearing Panel and stated that it was a mistake on their part to have given their spouses details for the offence. This was due to stress from family issues. Since losing the Wolverhampton licence JM had struggled to find decent work. JM expressed that their insurance had increased in cost due to the 9 penalty points incurred. JM had been driving in the UK for the last 12 years and this was the first time it had been this bad. JM expressed that they would be very careful and that this wouldn't happen again as they have learned from their mistake. Private hire work was the best kind of work for JM and the penalty points would expire in 10 months time. JM concluded by stating that they wanted to work in Manchester and that driving was their main skill.

In response to questions from the Licensing Unit Officer and Hearing Panel, JM stated that their brother-in-law had suggested trying Manchester for a licence, that they live in the city of Manchester, that JM's private hire vehicle had been involved in some of the offences, that JM had attempted to use their spouses details on one of them, that this was to avoid incurring more points and they had panicked and since apologized to the officials, that they were aware that they could go to jail for perverting the course of justice and that they had a vehicle in for repair due to minor accidents that were not JM's fault.

In summing up, JM stated that they would be honest and safe in future and asked for another chance to do the work they were best suited to.

The Hearing Panel considered that JM was dishonest, untrustworthy due to the three speeding offences all within a short time plus having left the scene of an accident giving false details to save themselves from getting further points. The Hearing Panel therefore determined that JM was not a fit and proper person to be licensed in the city of Manchester and refused to grant the licence.

## **Decision**

To refuse to grant a licence to JM.

## **LACHP/24/81. Review of a Hackney Carriage Driver Licence - GG**

The Hearing Panel considered the report from the Head of Planning, Building Control and Licensing regarding the above application. The oral representations of all of the parties who attended were also considered, in conjunction with the relevant guidance. The matter was considered in line with the established procedure for taxi licensing hearings.

The Licensing Unit officer stated that GG had been before Trafford Magistrates in April 2024 for a Ply For Hire offence. GG had been parked by Old Trafford Cricket Ground at an event and agreed to take undercover officers into Manchester city centre.

GG addressed the Hearing Panel and stated that they were not at the Cricket Ground and some other details in the report were incorrect. GG was on Sir Matt Busby Way and had told officers that they were already booked when first approached. The officers had initially walked away but came back imploring GG to take them to Victoria Station and they eventually got in the cab.

In response to questions from the Licensing Unit Officer and Hearing Panel, GG stated that there was an event on at the Cricket Ground, that GG had a booking that they were waiting on for a return journey, that the booking customer had not turned up, that they had their "for hire" light on and that this was a mistake, that the officer was very forceful with their negotiations, that they had given a guilty plea at court under advice from the solicitor and that GG always kept up good conduct and that the incident was regrettable.

In summing up, the Licensing Unit Officer stated that the Legal Officer may have further information on the issue of whether GG could have been convicted of driving without insurance due to being a Hackney Carriage driver collecting passengers outside of the city of Manchester.

In summing up, GG stated that they had been approached by undercover officers in the past but this case was an error of judgement on their part. GG had been in the UK for 50 years and this had been their only conviction. GG added that they are not a bad person, always conduct themselves well and this had been regrettable.

The Hearing Panel considered that GG had given 35 years of good service as a licensed driver but that the subject of Plying For Hire had to be taken seriously. The Hearing Panel determined that a suspension of 28 days should be handed down as a more serious warning to GG on future conduct when working outside of the city centre.

### **Decision**

To issue a 28 day suspension to GG.

### **LACHP/24/82. Review of a Hackney Carriage Driver Licence - WA**

The Licensing Unit officer informed the Hearing Panel that WA was currently out of the country and unable to attend the hearing.

The Hearing Panel were satisfied to defer the hearing to the next suitable date for the applicant.

### **Decision**

To defer WA's hearing to the next suitable date.